

REMARKS/ARGUMENTS

This Response is being filed in response to the outstanding Final Rejection, dated January 9, 2007, to which Applicant was given a three-month period to reply. Accordingly, the present response is being timely filed. In addition, because this Response is being filed within 2-months of the date of the Final Rejection, the shortened statutory period for calculating extension fees should expire at 3-months from the date of the Final Rejection or on the date an advisory action is mailed, whichever is later.

Basis of Final Rejection

In the Final Rejection, the Examiner has maintained the prior rejection of claims 1-24 under 35 U.S.C. §103 as being unpatentable over Reiley et al., USP 6,576,919, in view of Gelpcke, USP 1,852,296.

Specifically, in addressing the Applicants' prior arguments, the Examiner asserted that claims 1 and 24 did not specifically claim a "distal end" with respect to the claimed first and second areas, and that Reiley et al. disclosed a beveled tip having a first area greater than the tip area. The Examiner reasoned that the claimed limitations were met when the "first area is considered to be closer to the handle and the second[t] area is considered to be closer to the tip." Final Rejection p. 3-4.

The Examiner also rejected Applicants' arguments that Gelpcke constituted non-analogous art.

Summary of March 8, 2007 Interview

On March 8, 2007, Applicants' representative and the Examiner conducted a telephonic interview to discuss the outstanding Final Rejection. During the telephonic interview, Applicants' representative explained that claims 1 and 24, as presently written, claim a first area

located at a first location and a second area located at a second location wherein the first area is greater than the second area, and wherein “the second location is situated between the first location and the proximal end of the shaft.” Applicants’ representative also pointed out that the “proximal end” of the shaft is known in the art and described in the specification as being the end nearer the handle of the device, whereas the distal end is nearer the tip of the device. Thus, by the language of claims 1 and 24, the second location having a smaller area must be located between the first area and the proximal end. Therefore, although the term “distal end” is not used in defining the relationship, the claim language plainly indicates that the first larger area is more distal (e.g., closer to the tip) than the second smaller area, which is more proximal (e.g., closer to the handle).

As such, it was further explained to the Examiner that Reiley et al. does not disclose, teach or suggest at least this feature, because the beveled tip of Reiley et al. does not contain a first area at a first location that is greater than a second area at a second location where the second location is situated between the proximal end and the first location. In contrast, Reiley et al. depicts a beveled tip that decreases in cross-sectional area towards the distal end. Thus, the combination of Reiley et al. and Gelpcke would not meet the limitations of independent claims 1 and 24.

As a result of the arguments, the Examiner indicated that he would conduct a further search. However, the Examiner also indicated that Applicants had overcome the Final Rejection based on Reiley et al., and if no new references were found as a result of the further search the present application would be allowable.

Conclusion

In light of the above remarks, Applicants respectfully request that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve and remaining issues.

Although this Response presents the narrow issues discussed in the March 8, 2007 Interview, Applicants maintain and reassert the arguments made in the October 25, 2006 Response, and the failure to discuss such arguments in this Response should not be deemed a waiver of such arguments.

The Examiner is requested to note the new correspondence address of the attorney of record indicated in the signature block below. A change of correspondence address will be submitted upon issuance of a new customer number (which has already been applied for).

Date: March 9, 2007

Respectfully submitted,

/Brian M. Rothery/

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